

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**May 24, 2004**

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Facey, bailiff.

**C043352      BAXTER HEALTHCARE CORPORATION v. DENTON, etc. et al.**

Cause called. Edward G. Weil, Deputy Attorney General, argued and Janill L. Richards, Deputy Attorney General, appeared only for appellants. Bruce Nye argued for respondent. Cause submitted.

At 10:14 a.m., the court recessed. At 10:18 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

**C035529      LUCAS v. REDIG**

Cause called. Jerry N. Budin argued for appellant. Larry M. Kazanjian argued for respondent. Cause submitted.

At 10:47 a.m., the court recessed. At 10:52 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Morrison, Associate Justice.

**C038245      THE PEOPLE v. WARNER**

Cause called. John Ward, court appointed counsel, argued for appellant. Janet E. Neeley, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:09 a.m., the court recessed. At 11:14 a.m., the court reconvened with Blease, Associate Justice; Davis, Associate Justice; and Robie, Associate Justice.

**C042338      In re VERONICA R.; THE PEOPLE v. VERONICA R.**

Cause called. Valerie Hriciga, court appointed counsel, argued for appellant. John A. Thawley, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:30 a.m., the court recessed. At 11:35 a.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

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**May 24, 2004, continued**

**C044397      STANDLEY v. OFFICE OF ADMINISTRATIVE HEARINGS and GRANT JOINT  
UNION HIGH SCHOOL DISTRICT**

Cause called. Isaac L. Fischer argued for appellant. James E. Young argued for respondent. Cause submitted.

At 12:00 p.m., the court recessed. At 2:10 p.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

**C044777      TADLOCK et al. v. MERCY HEALTHCARE SACRAMENTO et al.**

Cause called. Michelle C. Jenni argued for appellants. Segundo F. Cardeno argued for respondents. Cause submitted.

At 2:33 p.m., the court recessed. At 2:38 p.m., the court reconvened with Nicholson, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

**C044559      FEATHER RIVER ANESTHESIA MEDICAL GROUP, INC. v. THE FREMONT-  
RIDEOUT HEALTH GROUP**

Cause called. Eileen R. Ridley argued for appellant. Ralph R. Nevis argued for respondent. Cause submitted.

At 3:07 p.m., the court recessed. At 3:11 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

**C037000      THE PEOPLE v. ALCALA**

Cause called. Francia Welker, court appointed counsel, argued for appellant. Davis Andrew Eldridge, deputy attorney general, argued for respondent. Cause submitted.

At 3:45 p.m., the court recessed until 9:30 a.m., Wednesday, May 26, 2004.

**C041021      THE PEOPLE v. LOPEZ**

**(Not for Publication)**

The judgment is affirmed.

DAVIS, J.

We concur:    Blease, Acting P.J.  
                     Robie, J.



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**May 25, 2004**

**C043433      THE PEOPLE v. TURLEY      (Not for Publication)**  
**C043455**

The judgment is modified... The superior court is directed to prepare an abstract of judgment reflecting these changes, and to forward a copy of the corrected abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

ROBIE, J.

We concur:    Blease, Acting P.J.  
                 Raye, J.

**C044976      THE PEOPLE v. TRAN      (Not for Publication)**

The judgment is affirmed.

NICHOLSON, J.

We concur:    Sims, Acting P.J.  
                 Hull, J.

**C040072      HOOPER v. CAPOBIANCO      (Not for Publication)**

We vacate the award of damages to plaintiff for loss of future earning capacity and remand the matter to the trial court for a retrial limited to determining only the amount of damages to be awarded plaintiff for loss of future earning capacity. In all other respects, the judgment is affirmed. Plaintiff's motion for sanctions is denied. We award costs on appeal to defendant. (Cal. Rules of Court, rule 27 (a).)

NICHOLSON, J.

We concur:    Hull, J.  
                 Robie, J.

**C043113      LEE v. STATE OF CALIFORNIA**

BY THE COURT:

Appellant's petition for rehearing is denied.

NICHOLSON, Acting P.J.

**May 26, 2004**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice and Hull, Associate Justice.

**C045684      In re JACKIE WHITE on Habeas Corpus**

Order to show cause hearing held. Richard Dangles appeared with his attorney Anthony Dicce. Matter continued to 9:30 a.m., Wednesday, June 30, 2004.

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**The Minutes**

**May 26, 2004, continued**

**C041966      THE PEOPLE v. ROBERTS      (Not for Publication)**

The judgment is affirmed.

MORRISON, J.

We concur:    Blease, Acting P.J.  
Raye, J.

**C044884      KEEFAUVER et al. v. SCHMICKER      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Robie, J.  
Butz, J.

**C045204      In re CARMEN R. et al.; SACRAMENTO COUNTY DEPARTMENT OF  
HEALTH AND HUMAN SERVICES v. ANTOINETTE R. et al.  
(Not for Publication)**

Joseph's appeal as to Victor in case No. JD216641 is dismissed.

The order terminating the parental rights of Antoinette and Joseph is reversed, and the matter is remanded to the juvenile court with directions to conduct an evidentiary hearing, which shall include Antoinette's, Antonio's, and any other relevant witnesses' testimony on the petitions. The court shall review Antoinette's circumstances at the time of the hearing and consider whether she is entitled to the immediate custody of the minors and dismissal of this dependency proceeding.

HULL, J.

We concur:    Raye, Acting P.J.  
Robie, J.

**May 27, 2004**

**C037000      THE PEOPLE v. ALCALA      (Certified for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

I concur:      Nicholson, J.

I concur.....

Morrison, J.

**C041330      THE PEOPLE v. GEE      (Not for Publication)**

The judgment of conviction is affirmed. The matter is remanded for resentencing consistent with the views expressed in this opinion.

Davis, Acting P.J.

We concur:    Raye, J.  
Butz, J.

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**May 27, 2004, continued**

- C042701      THE PEOPLE v. VARNUM      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur: Nicholson, Acting P.J.  
Robie, J.
- C043283      THE PEOPLE v. DELATORRE      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur: Sims, Acting P.J.  
Raye, J.
- C043473      THE PEOPLE v. WILLIAMS      (Not for Publication)**  
The judgment is modified... The trial court is directed to prepare an amended abstract of judgment reflecting the modification and clerical correction and to forward a certified copy of the abstract to the Department of Corrections.  
DAVIS, J.  
We concur: Hull, J.  
Butz, J.
- C043919      THE PEOPLE v. VUONG      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We concur: Davis, Acting P.J.  
Hull, J.
- C044995      THE PEOPLE v. ALLEN      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We concur: Sims, Acting P.J.  
Nicholson, J.
- C045122      THE PEOPLE v. DAETWILER      (Not for Publication)**  
The judgment is modified... The judgment is affirmed as modified. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment which lists the corrected fines, penalties and fees in detail.  
MORRISON, J.  
We concur: Davis, Acting P.J.  
Butz, J.

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**May 27, 2004, continued**

- C043769      HARBISON, III v. NORCAL MUTUAL INSURANCE COMPANY et al.**  
**(Not for Publication)**  
The judgment (orders) are reversed. Appellant shall recover costs on appeal.  
BLEASE, J.  
We concur: Scotland, P.J.  
Davis, J.
- C044181      GEBREMICAEL v. CALIFORNIA COMMISSION ON TEACHER  
CREDENTIALING**  
**(Certified for Publication)**  
The judgment is reversed and the case remanded for further proceedings consistent with this opinion. We award costs on appeal to plaintiff. (Cal. Rules of Court, rule 27(a).) *(Certified for Publication.)*  
NICHOLSON, Acting P.J.  
We concur: Raye, J.  
Robie, J.
- C044353      NOUI v. ROSS STORES, INC.**  
**(Not for Publication)**  
The judgment is affirmed. Costs are awarded to Ross Stores, Inc. (Cal. Rules of Court, rule 27(a) (1).)  
BLEASE, Acting P.J.  
We concur: Raye, J.  
Morrison, J.
- C042464      In re J.M.; THE PEOPLE v. J.M.**  
**(Not for Publication)**  
The appeal is dismissed.  
HULL, J.  
We concur: Scotland, P.J.  
Robie, J.
- C042739      In re YURIY B.; THE PEOPLE v. YURIY B.**  
**(Not for Publication)**  
The matter is remanded to the juvenile court with directions to afford the minor custody credit for the time he spent in predisposition evaluation at CYA. In all other respects, the order of commitment is affirmed.  
NICHOLSON, J.  
We concur: Blease, Acting P.J.  
Robie, J.

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We concur: Scotland, P.J.  
Blease, J.



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**May 28, 2004, continued**

The order terminating parental rights is vacated, and the matter is remanded to the juvenile court with directions to order DSS to make proper inquiry and to comply with the notice provisions of the Act. If after proper inquiry and notice, a tribe determines that the minor is an Indian child as defined by the Act, the juvenile court is ordered to conduct a new section 366.26 hearing in conformity with all provisions of the Act. If, on the other hand, no response is received or the tribes determine that the minor is not an Indian child, all previous finding and orders shall be reinstated.

We concur: Scotland, P.J.  
Morrison, J.

The order terminating appellant's parental rights is affirmed.

We concur:   Blease, Acting P.J.  
                      Davis, J.